

PATENT COOPERATION TREATY

27/01

From the
INTERNATIONAL SEARCHING AUTHORITY

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing 5/11/04
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/NL2004/000514

International filing date (day/month/year)
15.07.2004

Priority date (day/month/year)
21.07.2003

International Patent Classification (IPC) or both national classification and IPC
B67D1/04, B67D1/08

Applicant
HEINEKEN TECHNICAL SERVICES B.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the International application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/NL2004/000514**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/NL2004/000514**Box No. II Priority**1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-5,7,8
	No: Claims	6
Inventive step (IS)	Yes: Claims	1-5,8
	No: Claims	6,7
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/NL2004/000514

Re Item V.

1 The following documents are referred to in this communication:

D1 : US 4 402 429 A (VANDEN DRIESSCHE JEAN R) 6 September 1983 (1983-09-06)

D2 : PATENT ABSTRACTS OF JAPAN vol. 018, no. 090 (M-1560), 15 February 1994 (1994-02-15) & JP 05 296397 A (NIPPON TANSAN GAS CO LTD), 9 November 1993 (1993-11-09)

D3 : NL 1 019 054 C (HEINEKEN TECH SERVICES) 31 March 2003 (2003-03-31)

2 INDEPENDENT CLAIM 6

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 6 is not new in the sense of Article 33(2) PCT.

2.2 Document D1 discloses (the references in parenthesis applying to this document):
A container (2) comprising a pressure medium feed opening (8, 9) and a CO₂-reservoir (6) provided with a pressure line coupling (7, 31) and removably connected to the container.

2.2 Also, document D2 discloses (the references in parenthesis applying to this document):
A container (32) comprising a pressure medium feed opening (43, 34) and a reservoir (B) provided with a pressure line coupling (7) and removably connected to the container.

3 DEPENDENT CLAIM 7

Dependent claim 7 does not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

4 INDEPENDENT CLAIMS 1, 8

4.1 Document D3, which is considered to represent the most relevant state of the art, discloses (the references in parenthesis applying to this document):
An assembly of a drink dispenser provided with a chamber, a lid, a dispensing head and a container which is provided with a drink dispensing opening,

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dispensing line and a pressure medium feed opening.

From this, the subject-matter of independent claim 1 differs in that:

The container is provided with a reservoir containing a pressure medium and wherein the reservoir is brought into communication with the container when the lid is closed.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

4.2.1 The problem to be solved by the present invention may be regarded as:
Providing an assembly of a drink dispenser and a container comprising a reservoir containing a pressure medium (so that no external pressure means is needed) of which the container can be fluidly connected with the reservoir in a simple, rapid and reliable manner by inexperienced users.

4.2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The lid of the dispenser is provided with a pressure line which connects the reservoir with the container upon closure of the lid and results in an automatic coupling and therewith avoids spillage (loss) of CO₂.

Document D1 discloses a container provided with a CO₂-reservoir which are connected to each other by means of a lever-lid. However, there is no teaching in D1, nor in D3, to integrate the container of D1 in the dispenser of D3 and that the reservoir connects with the container via a pressure line when closing the lid of the dispenser.

4.3 Claims 2-5 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

4.4 A similar reasoning applies to the subject-matter of claim 8 which is also considered to meet the requirements of the PCT with respect to novelty and inventive step.